United Nations A/AC.182/1999/L.104/Rev.1

General Assembly

Distr.: Limited
20 April 1999
English
Original: Russian

Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
12–23 April 1999

Working paper submitted by Belarus and the Russian Federation

The Special Committee submits to the General Assembly at its fifty-fourth session for consideration and adoption the following draft resolution:

"*The General Assembly*,

"*Reaffirming* that, pursuant to the Charter of the United Nations, the maintenance of international peace and security and the development of friendly relations and cooperation among States are one of the basic purposes of the Organization,

"*Bearing in mind* the exceptional importance of the Charter for the maintenance of international peace and security, and also for the establishment and maintenance of law and order in relations among States and in the world as a whole,

"*Confirming* the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of States, or in any other manner inconsistent with the purposes of the United Nations, and also that the threat or use of force is a violation of international law and of the Charter of the United Nations,

"*Recalling once again* that no considerations, whether political, economic, military or of any other kind, may be used to justify the threat or use of force in violation of the Charter of the United Nations,

"*Reaffirming again* that wars of aggression are a crime against peace which gives rise to responsibility under international law,

"*Recalling* the primary responsibility of the Security Council pursuant to the Charter of the United Nations for the maintenance of international peace and security,

"*Referring* to Chapter VIII of the Charter of the United Nations, which acknowledges the role of regional arrangements or agencies in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations,

99-11232 (E) 200499 200499

"*Referring* to Article 11 of the Charter of the United Nations, which authorizes the General Assembly to consider the general principles of cooperation in the maintenance of international peace and security and to make recommendations to the Members of the Organization or to the Security Council or to both,

"*Recalling* that the General Assembly may request the International Court of Justice to give an advisory opinion on any legal question,

"*Referring* to its resolution 53/106 of 8 December 1998, pursuant to which the Special Committee is requested at its session in 1999, *inter alia*, to continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in that context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 1999,

"1. *Affirms* that action by air, sea or land forces of all Members of the United Nations or by some of them for purposes of the maintenance of international peace and security is permissible only on the basis of a decision of the Security Council pursuant to Chapter VII of the Charter of the United Nations or in exercise of the inherent right of individual or collective self-defence pursuant to Article 51 of the Charter of the United Nations;

"2. *Emphasizes* the immutability of the provisions of Article 53, paragraph 1, of the Charter of the United Nations to the effect, *inter alia*, that no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council;

"3. As a matter of urgency and pursuant to Article 96, paragraph 1, of the Charter of the United Nations, *requests* the International Court of Justice to give an advisory opinion on the following legal questions:

- Under contemporary international law, does a State or group of States have the right to make use of armed force without a decision of the Security Council taken pursuant to Chapter VII of the Charter of the United Nations, except in exercise of the right to individual or collective self-defence pursuant to Article 51 of the Charter?
- Is such use of armed force a violation of the obligations of that State or group of States under the Charter of the United Nations?
- Do States which are not the object of the use of armed force have a right to compensation for damages which they sustained as a consequence of such use of armed force inasmuch as they were unable fully to enjoy their rights under contemporary international law, particularly the Charter of the United Nations?